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July 24, 2006

Clerk, United States District Court  
P.O. Box 711  
Montgomery, AL 36101

Re: Civil Action 2:06cv389SRW United States District Court, Middle District of Alabama

Dear Sir:

The Insurance Department is unable to accept service of process in the above-styled case for the following reason(s):

- (X) Section 27-4-2(13), Code of Alabama 1975, as amended, requires that a check in the amount of \$25.00 be received as the service fee per insurance company served to be taxed as costs in the action.
- (X) Section 27-3-25, Code of Alabama 1975, as amended, requires these documents be filed in triplicate.
- (X) Section 27-3-25, Code of Alabama 1975, as amended, states that **service of process upon the Commissioner as process agent of the insurer shall be made by the proper officer of Montgomery County.** Service of process by **certified mail** must be served directly on the company or its designated agent for service of process pursuant to Section 10-2B-5.01, Code of Alabama 1975, as amended.
- ( ) Section 27-3-24, Code of Alabama 1975, as amended, allows the Commissioner to accept service of process for licensed insurance companies only. The defendants listed in this action are not licensed insurance companies.
- (X) **Other: SERVICE UPON THE COMPANY'S DESIGNATED AGENT FOR SERVICE (OTHER THAN THE COMMISSIONER) CAN BE MADE DIRECTLY UPON THAT AGENT, RATHER THAN GOING THROUGH THE COMMISSIONER. PLEASE REFER TO OUR WEBSITE [WWW.ALDOI.GOV](http://WWW.ALDOI.GOV) FOR INFORMATION CONCERNING THE COMPANY'S AGENT FOR SERVICE OF PROCESS.**

The document submitted by you in the above-styled case is being returned for reasons indicated above. If you have any questions, please contact me at (334) 241-4156.

Sincerely,

Ken Smithson  
ALABAMA DEPARTMENT OF INSURANCE  
EXAMINATION DIVISION